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July 20, 2021

PERSONAL AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY

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Via email: Clara.burns@kempsmith.com and Abe.gonzalez@kempsmith.com

Re: *Gracie Gomez-Meeker et al v. Walmart, Inc.; State of New Mexico Dona Ana County Third Judicial District Court; Cause No. D-307-CV-2020-01556*

Dear Counsel:

We know the full extent of Mr. Meeker damages and he is ready to move forward with settlement discussions. In that regard, this letter contains our client's time limited one-time settlement demand for full resolution of his claims against your insured, Wal Mart, arising out of the March 1, 2019 termination. This correspondence is a protected and privileged communication pursuant to Rule 11-408, NMRA. No portion of this communication may be disseminated or distributed to any person or entity other than its intended recipient without our express written consent.

A. LIABILITY

There is absolutely no issue as to the disparate treatment and discrimination in this case. On or about November 2018, Jake Russell Meeker began working for Defendant Walmart Inc., and has worked in the following positions: Cart Pusher. Throughout Jake Russell

Exhibit A

Meeker's tenure with Defendant, he received favorable periodic evaluations, and he did not receive any written or verbal complaints.

In NMHRB's Determination of No Probable Cause it is duly noted that Plaintiff's guardian Gracie Gomez-Meeker reported disparate treatment based on his disability. This treatment included how and when he could take his breaks.

Plaintiff's Guardian Gracie Gomez-Meeker further complained that Plaintiff's reporting of the disparate treatment resulted in retaliation. Other cart pushers were permitted to take breaks, while Jake Russell Meeker was not afforded the same opportunity.

In December 2018 Plaintiff's Guardian Gracie Gomez-Meeker spoke to Chenoa Archuleta ("Archuleta") to remind her of Jake Russell Meeker's disability. To this she responded that she did not need to be reminded of his disability.

In January 2019, just one month later, Archuleta threatened to write Jake Russell Meeker up. While Plaintiff's guardian Gracie Gomez-Meeker again spoke to Archuleta about the disparate treatment Archuleta replied that she had no knowledge of disparate treatment despite having spoken to her about it.

Customer Service Manager, Jasmine yelled at Jake Russell Meeker about the manner and timing of the other cart pushers took breaks, called him a "stupid white bitch. slow lazy cart pusher". Jasmine then struck Jake Russell Meeker on the butt and said "Walmart should not hire retarded people".

Plaintiff's guardian Gracie Russell Meeker requested that Plaintiff be transferred to the grocery department as a stock person. Jake Russell Meeker could not tolerate this treatment anymore and submitted a two weeks notice of resignation on February 19, 2019 with a constructive discharge date of March 3, 2019.

B. DAMAGES

On March 1, 2019, Jake Russell Meeker was terminated.

At the time of the incident, Plaintiff was making \$11.00 per hour and working 38 hours per week. Due to his damages, Plaintiff has not been able to work for 2 years and 4 months (28) months: \$11.00/hour x 38 hours/week x 4 weeks/month x 28 months = \$46,816 in lost wages.

Plaintiff has a loss of earning capacity of \$418 per week x 52 weeks per year = \$21,736 per year x 45 years until the retirement age of 70 = \$978,120.00 of lost earning capacity.

C. DEMAND:

In an effort to resolve her claims without the need to continue formal litigation, my client hereby makes a full and final settlement demand in the amount of \$74,500.00. This is a time limited settlement demand and requires a response by August 3, 2021. Should we not hear from you by August 3, 2021, we will be forced to move forward with formal litigation.

Please make check payable to "Flores, Tawney & Acosta P.C.", her attorneys and "Sandra Acosta". Our firm's tax ID No. is 81-0905984. Although we don't know of any, Ms. Acosta will pay any and all outstanding liens (medical, hospital or otherwise) from the proceeds of the settlement and will agree to indemnify your insured from any claims related to medical, hospital, and other bills.

Should you require any further information to appropriately evaluate this demand, please request such specific information in a sufficiently timely manner to allow your response by the filing of a lawsuit, and we will move forward accordingly.

Thank you.

Sincerely,



CONNIE J. FLORES
Attorney at Law